

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**NU LOOK PIZZERIA 1 d/b/a
PAPA JOHN'S**

and

Case 29-CA-175391

CHARISMA IVEY

ORDER

The Employer's petition to revoke subpoena duces tecum B-1-SC86ON is denied.¹ The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations.² Further, the Employer has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., October 18, 2016.

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
LAUREN McFERRAN,	MEMBER

¹ In denying the petition, we have considered the subpoena in light of the Region's statement in its opposition that it does not oppose limiting the subpoena requests to documents pertaining to "employees" as defined by the Act.

² The Employer asserts that no responsive documents exist for subpoena paragraphs 7, 8, 9, and 11. The Employer is not required to produce evidence requested in the subpoena that the Employer does not possess, but the Employer is required to conduct a reasonable and diligent search for all requested evidence, and as to requested evidence that the employer determines it does not possess, the Employer must affirmatively represent to the Region that no responsive evidence exists.